

AF/TPW

PATENT
Attorney Docket 045636-5039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Lise Thibodeau et al.**)
)
Application No. **09/632,806**) Group Art Unit: **1648**
)
Filed: **August 4, 2000**) Examiner: **J. Parkin, Ph.D.**
)
For: **Use of HIV-1 gp120 and gp160 Proteins**)
 Modified in the V3 Loop for the Preparation of)
 Vaccine Compositions and Formulations)
 Containing the Same)

U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

- Transmitted herewith is an Amendment Under 37 C.F.R. 1.116 in response to the Final Office Action dated May 5, 2005 and the Notice of Panel Decision dated December 22, 2005. Also enclosed is a copy of the Notice of Panel Decision from Pre-Appeal Brief Review.
- Extension of Time:** The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants do not believe an extension of time is required. However, if Applicants have inadvertently overlooked the need for an extension of time, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310. This response is being filed under the next business day rule on Monday, January 23, 2006 as the due date for responding fell on a Sunday (January 22, 2006).
- Fee Calculation** (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	11	minus	20	0	\$50 each=	0.00
Independent Claims	1	minus	3	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						0.00
Total Fee =						\$0.00

- Constructive Petition:** **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **January 23, 2006**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,806	08/04/2000	Lise Thibodeau	045636-5039	2513

9629 7590 12/22/2005
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EXAMINER	
PARKIN, JEFFREY S	
ART UNIT	PAPER NUMBER
1648	


DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed 1/5/06 Attorney ECW/SPT
Case 45636-5039
Due Date Jan. 22, 2006
Action Appeal Brief
By PA Chk _____

RECEIVED
DEC 27 2005
MORGAN, LEWIS & BOCKIUS LLP

45636-5039
DOCKETED
By PA Date 12/27/05

Application Number 	Application/Control No. 09/632,806	Applicant(s)/Patent under Reexamination Thibodeau et al	
	James C. Housel	Art Unit 1648	

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 10/27/05.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: 24-31 and 34-36.

Claim(s) objected to: None.

Claim(s) rejected: 32 and 33.

Claim(s) withdrawn from consideration: None.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.


All participants:

(1) James C. Housel

(2) Jeffrey Parkin

(3) Long Le

(4) _____


 JAMES HOUSEL
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 TECHNOLOGY CENTER 1600
 12/22/05